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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,281	02/13/2002	Junko Ami	219178US2RD	3511
22850	7590	11/01/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			FOX, JAMAL A	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,281

Applicant(s)

AMI ET AL.

Examiner

Jamal A. Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/13/2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-11 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 10/073,281.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams et al. (U.S. Patent No. 5,504,744).

Referring to claim 1, Adams et al. discloses a method of communicating packets in a communication device (Figures 1 and 4 and respective portions of the spec.) having a wireless communication interface via a wireless network to another communication device (Figures 1 and 4 and respective portions of the spec.), comprising:

providing a plurality of buffers (buffer, Fig. 4 and col. 2 lines 60-67, col. 10 lines 5-12 and col. 11 lines 30-40) in the communication device, each buffer corresponding to a type of quality of communication service (quality of service, col. 1 lines 50-60) requested by a communication packet which is exchanged from upper layer;

setting a logical channel (logical channel, col. 9 lines 40-45) for the communication packets to be exchanged;

giving a connection identifier (VP/VC, col. 1 lines 50-60 and VPI/VCI, col. 12 lines 45-55) for the logical channel (VP/VC, col. 1 lines 50-60 and VPI/VCI, col. 12 lines 45-55), said connection identifier being associated with an information indicating the type of quality of communication service (quality of service, col. 1 lines 50-60);

receiving said communication packets to be exchanged via said logical channel (logical channel, col. 9 lines 40-45) and distributing said communication packets to one of a plurality of buffers (buffer, Fig. 4 and col. 2 lines 60-67, col. 10 lines 5-12 and col. 11 lines 30-40) depending upon said connection identifier (VP/VC, col. 1 lines 50-60 and VPI/VCI, col. 12 lines 45-55) and said information.

Referring to claim 2, Adams et al. discloses a method for communicating packets according to claim 1, further comprising transmitting said communication packets in one of a plurality of buffers (buffer, Fig. 4 and col. 2 lines 60-67, col. 10 lines 5-12 and col. 11 lines 30-40) to the another communication device corresponding to said type of quality of communication service (quality of service, col. 1 lines 50-60).

Referring to claim 5, Adams et al. discloses a communication device having a wireless communication interface via a wireless network to another communication device (Figures 1 and 4 and respective portions of the spec.), comprising:

an application processing portion for determining a parameter corresponding to a type of quality of communication service (quality of service, col. 1 lines 50-60) requested by an application used in said communication device for a communication packet which is transmitted by said communication device;

a plurality of buffers (buffer, Fig. 4 and col. 2 lines 60-67, col. 10 lines 5-12 and col. 11 lines 30-40), whose number corresponds to a number of types of said parameter;

a logical link (logical link, col. 6 lines 5-10) control portion for preparing a logical channel (VP/VC, col. 1 lines 50-60 and VPI/VCI, col. 12 lines 45-55) in which

information regarding said parameter determined for said communication packet and for setting said logical channel (VP/VC, col. 1 lines 50-60 and VPI/VCI, col. 12 lines 45-55) sequentially in said communication packet;

a communication control interface portion for giving a connection identifier (VP/VC, col. 1 lines 50-60 and VPI/VCI, col. 12 lines 45-55) to said set logical channel (VP/VC, col. 1 lines 50-60 and VPI/VCI, col. 12 lines 45-55) and for setting information regarding said parameter in said connection identifier (VP/VC, col. 1 lines 50-60 and VPI/VCI, col. 12 lines 45-55); and

a determination portion for distributing to one corresponding buffer (buffer, Fig. 4 and col. 2 lines 60-67, col. 10 lines 5-12 and col. 11 lines 30-40) among said plurality of buffers (buffer, Fig. 4 and col. 2 lines 60-67, col. 10 lines 5-12 and col. 11 lines 30-40) said communication packet passed from said logical link (logical link, col. 6 lines 5-10) control portion via said communication control interface.

3. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (U.S. Patent No. 5,784,358).

Referring to claim 1, Smith et al. discloses a method of communicating packets in a communication device (Figures 3, 11 and 15 and respective portions of the spec.) having a wireless communication interface via a wireless network to another communication device, comprising:

providing a plurality of buffers (buffer, Figures 3, 11, and 15 and col. 7 lines 25-40 and col. 22 lines 40-50) in the communication device, each buffer (buffer, Figures 3, 11, and 15 and col. 7 lines 25-40 and col. 22 lines 40-50) corresponding to a type of

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quality of communication service (quality of service, col. 1 lines 55-65 and col. 8 lines 25-30) requested by a communication packet which is exchanged from upper layer;

setting a logical channel (logical channel, col. 21 lines 50-60) for the communication packets to be exchanged;

giving a connection identifier (VP/VC, col. 1 lines 55-65 and VPI/VCI, col. 8 lines 44-67) for the logical channel (logical channel, col. 21 lines 50-60), said connection identifier being associated with an information indicating the type of quality of communication service (quality of service, col. 1 lines 55-65 and col. 8 lines 25-30);

receiving said communication packets to be exchanged via said logical channel (logical channel, col. 21 lines 50-60) and distributing said communication packets to one of a plurality of buffers (buffer, Figures 3, 11, and 15 and col. 7 lines 25-40 and col. 22 lines 40-50) depending upon said connection identifier (VP/VC, col. 1 lines 55-65 and VPI/VCI, col. 8 lines 44-67) and said information.

Referring to claim 2, Smith et al. discloses a method for communicating packets according to claim 1, further comprising transmitting said communication packets in one of a plurality of buffers (buffer, Figures 3, 11, and 15 and col. 7 lines 25-40 and col. 22 lines 40-50) to the another communication device corresponding to said type of quality of communication service (quality of service, col. 1 lines 55-65 and col. 8 lines 25-30).

Referring to claim 5, Smith et al. discloses a communication device (Figures 3, 11 and 15 and respective portions of the spec.) having a wireless communication interface via a wireless network to another communication device (Figures 3, 11 and 15 and respective portions of the spec.), comprising:

an application processing portion for determining a parameter corresponding to a type of quality of communication service (quality of service, col. 1 lines 55-65 and col. 8 lines 25-30) requested by an application used in said communication device for a communication packet which is transmitted by said communication device;

a plurality of buffers (buffer, Figures 3, 11, and 15 and col. 7 lines 25-40 and col. 22 lines 40-50), whose number corresponds to a number of types of said parameter;

a logical link (logical link, col. 7 lines 15-20, col. 18 lines 55-60 and col. 23 lines 45-55) control portion for preparing a logical channel (logical channel, col. 21 lines 50-60) in which information regarding said parameter determined for said communication packet and for setting said logical channel (logical channel, col. 21 lines 50-60) sequentially in said communication packet;

a communication control interface portion for giving a connection identifier (VP/VC, col. 1 lines 55-65 and VPI/VCI, col. 8 lines 44-67) to said set logical channel (logical channel, col. 21 lines 50-60) and for setting information regarding said parameter in said connection identifier (VP/VC, col. 1 lines 55-65 and VPI/VCI, col. 8 lines 44-67); and

a determination portion for distributing to one corresponding buffer (buffer, Figures 3, 11, and 15 and col. 7 lines 25-40 and col. 22 lines 40-50) among said plurality of buffers (buffer, Figures 3, 11, and 15 and col. 7 lines 25-40 and col. 22 lines 40-50) said communication packet passed from said logical link (logical link, col. 7 lines 15-20, col. 18 lines 55-60 and col. 23 lines 45-55) control portion via said communication control interface.

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, and 5-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Li et al. (U.S. Patent No. 6,654,363).

Referring to claim 1, Li et al. discloses a method of communicating packets in a communication device having a wireless (wireless, Fig. 1 and respective portions of the spec.) communication interface via a wireless (wireless, Fig. 1 and respective portions of the spec.) network to another communication device, comprising:

providing a plurality of buffers (buffering, col. 2 lines 40-45 and buffer, col. 9 lines 1-15) in the communication device, each buffer (buffering, col. 2 lines 40-45 and buffer, col. 9 lines 1-15) corresponding to a type of quality of communication service (quality of service, col. 1 line 20 – col. 2 line 67 and col. 11 line 3 – col. 12 line 67) requested by a communication packet which is exchanged from upper layer (upper layer, col. 2 lines

40-50, col. 3 lines 25-35, col. 4 lines 10-45, col. 5 lines 60-67, col. 6 lines 5-53 and col. 7 lines 5-10);

setting a logical channel (logical channel, col. 11 lines 5 – col. 12 line 55) for the communication packets to be exchanged;

giving a connection identifier (logical channel ID, col. 11 lines 50-55 and col. 12 lines 15-20) for the logical channel (logical channel, col. 11 lines 5 – col. 12 line 55), said connection identifier being associated with an information indicating the type of quality of communication service (quality of service, col. 1 line 20 – col. 2 line 67 and col. 11 line 3 – col. 12 line 67);

receiving said communication packets to be exchanged via said logical channel (logical channel, col. 11 lines 5 – col. 12 line 55) and distributing said communication packets to one of a plurality of buffers (buffering, col. 2 lines 40-45 and buffer, col. 9 lines 1-15) depending upon said connection identifier (logical channel ID, col. 11 lines 50-55 and col. 12 lines 15-20) and said information.

Referring to claim 5, Li et al. discloses a communication device having a wireless communication interface via a wireless (wireless, Fig. 1 and respective portions of the spec.) network to another communication device, comprising:

an application processing portion for determining a parameter corresponding to a type of quality of communication service (quality of service, col. 1 line 20 – col. 2 line 67 and col. 11 line 3 – col. 12 line 67) requested by an application used in said communication device for a communication packet which is transmitted by said communication device;

a plurality of buffers (buffering, col. 2 lines 40-45 and buffer, col. 9 lines 1-15), whose number corresponds to a number of types of said parameter;

a logical link control (logical link, col. 11 lines 1-10) portion for preparing a logical channel (logical channel, col. 11 lines 5 – col. 12 line 55) in which information regarding said parameter determined for said communication packet and for setting said logical channel (logical channel, col. 11 lines 5 – col. 12 line 55) sequentially in said communication packet;

a communication control interface portion for giving a connection identifier (logical channel ID, col. 11 lines 50-55 and col. 12 lines 15-20) to said set logical channel (logical channel, col. 11 lines 5 – col. 12 line 55) and for setting information regarding said parameter in said connection identifier (logical channel ID, col. 11 lines 50-55 and col. 12 lines 15-20); and

a determination portion for distributing to one corresponding buffer (buffering, col. 2 lines 40-45 and buffer, col. 9 lines 1-15) among said plurality of buffers (buffering, col. 2 lines 40-45 and buffer, col. 9 lines 1-15) said communication packet passed from said logical link (logical link, col. 11 lines 1-10) control portion via said communication control interface.

Referring to claim 6, Li et al. discloses a communication device according to claim 5 wherein said interface portion gives one connection to each logical channel (logical channel, col. 11 lines 5 – col. 12 line 55) and sets information regarding said parameter in said connection identifier (logical channel ID, col. 11 lines 50-55 and col. 12 lines 15-20).

Referring to claim 7, Li et al. discloses a communication device according to claim 5 wherein said interface portion gives a connection identifier for each type of said information regarding said parameter to said logical channel (logical channel, col. 11 lines 5 – col. 12 line 55) and sets said information regarding said parameter in said connection identifier (logical channel ID, col. 11 lines 50-55 and col. 12 lines 15-20).

Referring to claim 8, Li et al. discloses a communication device according to claim 5, further comprising a packet processing portion (Packet processing, Fig. 7 and Processed IP Packets, Fig. 8 and respective portions of the spec.) for writing said information regarding said parameter in a predetermined area in said communication packet passed from said logical link (logical link, col. 11 lines 1-10) control portion through said communication control interface,

wherein said determination portion distributes said communication packet to a suitable buffer (buffering, col. 2 lines 40-45 and buffer, col. 9 lines 1-15) among said plurality of buffers (buffering, col. 2 lines 40-45 and buffer, col. 9 lines 1-15) based on said information regarding said parameter written in said predetermined area.

Referring to claim 9, Li et al. discloses a communication device according to claim 5, wherein said packet processing portion writes a value of 00 (00, col. 8 lines 55-65) in a first area of a payload header of said communication packet and writes a service definition indicating said quality of communication service (quality of service, col. 1 line 20 – col. 2 line 67 and col. 11 line 3 – col. 12 line 67) in a second area; and

said determination portion distributes said communication packet to said suitable buffer (buffering, col. 2 lines 40-45 and buffer, col. 9 lines 1-15) based on said service definition if the value of said first area is 00 (00, col. 8 lines 55-65).

Referring to claim 10, Li et al. discloses a communication device according to claim 5, wherein said application processing portion (Data Application, Fig. 3 and respective portions of the spec.) determines said parameter and specifies a corresponding buffer (buffering, col. 2 lines 40-45 and buffer, col. 9 lines 1-15) among said plurality of buffers (buffering, col. 2 lines 40-45 and buffer, col. 9 lines 1-15).

Referring to claim 11, Li et al. discloses a communication device according to claim 5, wherein said logical link (logical link, col. 11 lines 1-10) control portion determines a parameter corresponding to a type of quality of service (quality of service, col. 1 line 20 – col. 2 line 67 and col. 11 line 3 – col. 12 line 67) required for said communication packet when no parameter is determined for said communication packet.

6. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiussi et al. (U.S. Patent No. 6,608,813).

Referring to claim 1, Chiussi et al. discloses a method of communicating packets in a communication device (Figures 3 and 4 and respective portions of the spec.) having a wireless communication interface via a wireless network to another communication device (Figures 3 and 4 and respective portions of the spec.), comprising:

providing a plurality of buffers (buffers, Figures 3 and 4 and col. 2 lines 1-7) in the communication device, each buffer (buffers, Figures 3 and 4 and col. 2 lines 1-7)

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corresponding to a type of quality of communication service (quality of service, col. 2 lines 1-7) requested by a communication packet which is exchanged from upper layer;

setting a logical channel (logical channel, col. 1 lines 45-50) for the communication packets to be exchanged;

giving a connection identifier for the logical channel (logical channel, col. 1 lines 45-50), said connection identifier (identifier, col. 7 lines 35-45, col. 8 lines 20-30 and col. 8 lines 40-50) being associated with an information indicating the type of quality of communication service (quality of service, col. 2 lines 1-7);

receiving said communication packets to be exchanged via said logical channel (logical channel, col. 1 lines 45-50) and distributing said communication packets to one of a plurality of buffers (buffers, Figures 3 and 4 and col. 2 lines 1-7) depending upon said connection identifier (identifier, col. 7 lines 35-45, col. 8 lines 20-30 and col. 8 lines 40-50) and said information.

Referring to claim 5, Chiussi et al. discloses a communication device (Figures 3 and 4 and respective portions of the spec.) having a wireless communication interface via a wireless network to another communication device (Figures 3 and 4 and respective portions of the spec.), comprising:

an application processing portion for determining a parameter corresponding to a type of quality of communication service (quality of service, col. 2 lines 1-7) requested by an application used in said communication device for a communication packet which is transmitted by said communication device;

a plurality of buffers (buffers, Figures 3 and 4 and col. 2 lines 1-7) whose number corresponds to a number of types of said parameter;

a logical link (logical link, col. 2 lines 1-7 and col. 5 lines 45-50) control portion for preparing a logical channel (logical channel, col. 1 lines 45-50) in which information regarding said parameter determined for said communication packet and for setting said logical channel (logical channel, col. 1 lines 45-50) sequentially in said communication packet;

a communication control interface portion for giving a connection identifier (identifier, col. 7 lines 35-45, col. 8 lines 20-30 and col. 8 lines 40-50) to said set logical channel (logical channel, col. 1 lines 45-50) and for setting information regarding said parameter in said connection identifier (identifier, col. 7 lines 35-45, col. 8 lines 20-30 and col. 8 lines 40-50); and

a determination portion for distributing to one corresponding buffer (buffers, Figures 3 and 4 and col. 2 lines 1-7) among said plurality of buffers (buffers, Figures 3 and 4 and col. 2 lines 1-7) said communication packet passed from said logical link (logical link, col. 2 lines 1-7 and col. 5 lines 45-50) control portion via said communication control interface.

Allowable Subject Matter

7. Claim 3 is allowed.
8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-3143. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2600 Customer Service whose telephone number is (571) 272-2600.



Jamal A. Fox



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER